

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL DEVION MACKAY,  
  
Defendant.

Case No. CR23-102RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Deadline." (Dkt. # 16). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 17), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, defendant and his counsel require additional time to review discovery and discuss Mr. Mackay's legal options, as well as to pursue any necessary investigation and file pretrial motions. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3. The Court finds that the additional time requested between the current trial date of September 5, 2023, and the proposed trial date of March 25, 2024, is a reasonable period of delay. The Court finds that this additional time is necessary to provide defense counsel

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL - 1

1 reasonable time to prepare for trial, as defendant has requested more time to prepare for trial, to  
2 continue to investigate the matter, to gather evidence material to the defense, and to consider  
3 possible defenses. The additional time requested between the current trial date and the new trial  
4 date is necessary to provide counsel for the defendant the reasonable time necessary to prepare  
5 for trial, considering all of the facts set forth above.

6 4. The Court further finds that this continuance would serve the ends of justice, and  
7 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
8 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

9 5. Defendant has signed a waiver indicating that he has been advised of his right to a  
10 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
11 that right and consented to the continuation of his trial to a date up to and including March 31,  
12 2024, Dkt. # 17, which will permit his trial to start on March 25, 2024.

13 IT IS HEREBY ORDERED that the trial date shall be continued from September 5,  
14 2023 to March 25, 2024, and pretrial motions are to be filed no later than February 1, 2024;

15 IT IS FURTHER ORDERED that the period of time from the date of this Order, up to  
16 and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18  
17 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion  
18 is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and  
19 (h)(7)(B).

20 DATED this 21st day of July, 2023.

21  
22  
23 

24 Robert S. Lasnik  
25 United States District Judge  
26  
27  
28